

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

United States of America, :
Plaintiff, :
v. : Case No. 2:96-cr-068(13)
Darrell Parfitt, : JUDGE SMITH
Defendant. :
:

DETENTION ORDER

Defendant, Darrell Parfitt, appeared before the Court for a preliminary supervised release revocation hearing and detention hearing on January 25, 2006. He waived his preliminary supervised release revocation hearing, and counsel argued the issue of detention. Following argument, the Court ordered the defendant detained without bond pending a final supervised release revocation hearing. The purpose of this order is to set forth in writing the reasons for that decision.

The supervised release violation report alleged that the defendant violated his term of supervised release by becoming involved in new criminal activity and by leaving the Ralph W. Alvis House before the expiration of a six-month term at that facility. The defendant conceded that he left the Alvis House without the permission of his Probation Officer, although he contended both that the Alvis House sentence might not have been appropriate and that he left because his child was ill. He also denies being involved in any criminal activity, although he was apprehended close to the scene of a home invasion and robbery driving a vehicle in which was located property stolen in the robbery. He also fled from police when stopped.

When probable cause exists to believe that a supervised

release violation has occurred it becomes the defendant's burden to persuade the Court by clear and convincing evidence that he is neither a risk of flight nor a danger to the community. In this case, the only evidence before the Court on those issues was the supervised release violation report itself, which indicates that Mr. Parfitt's behavior in disregarding orders from his Probation Officer, absconding from close supervision at the Alvis House, and attempting to avoid arrest, is consistent with a risk of flight rather than the lack of such a risk. Further, Mr. Parfitt has already had his term of supervised release revoked once for earlier violations. Under these circumstances, he simply did not persuade the Court by the required amount of evidence that he was neither a risk of flight nor a danger to the community. Consequently, he was detained without bond pending further proceedings.

The defendant was advised of his right to seek review of this Detention Order by a United States District Judge pursuant to 18 U.S.C. §3145(b).

/s/ Terence P. Kemp
United States Magistrate Judge